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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,888	01/25/2002	Mathias Seiler	218839US6	5461
22850	7590	04/20/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/054,888	<b>Applicant(s)</b> SEILER ET AL.	
	<b>Examiner</b> Hanh V. Tran	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 20 January 2004.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-10 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
       a) ☐ All    b) ☐ Some \* c) ☐ None of:  
           1. ☐ Certified copies of the priority documents have been received.  
           2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
           3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(e)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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### **DETAILED ACTION**

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 1/20/2004.

#### ***Drawings***

2. The drawings were received on 1/20/2004. These drawings are figure 1.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 22. The objection to the drawings will not be held in abeyance.

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

#### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

#### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 5, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Germany 29923396 in view of USP 5,918,841 to Sweere et al.

Germany '396 discloses all the elements recited in the above listed claims including, such as shown in Fig 1, a frame with a vertical central column 2 fastened to a base, a height-adjustable and tilt-adjustable work surface 1 fastened to a support element, wherein on the upper end of the vertical central column 2, a joint seating device 2.1 is provided about whose horizontal axis a

swivel arm is arranged in a pivoting manner, wherein the swivel arm contains another rotary joint about whose horizontal axis the support element and the work surface 1 connected with it are arranged in a pivoting manner. The differences being that Germany '396 does not disclose (1) the central column fastened to the base on a vertical central axis of the base, (2) a blockable gas pressure spring having a first end seated in a bearing at an angle beneath the joint seating device and a second end in a bearing roughly in the center of the swivel arm, and (3) the base equipped with swivel rollers.

Sweere et al teaches the idea of providing a work table with a central column fastened to the base on a vertical central axis of the base in order to provide a stable work table, a blockable gas pressure spring, such as shown in Fig 2, having a first end seated in a bearing at an angle beneath a joint seating device and a second end in a bearing roughly in the center of a swivel arm in order to counter balance the work table, and (3) the base equipped with swivel rollers in order to facilitate transport of the work table. Therefore, it would have been obvious to modify the structure of Germany '396 by (1) having the central column fastened to the base on a vertical central axis of the base in order to provide a stable work table, (2) providing a blockable gas pressure spring having a first end seated in a bearing at an angle beneath a joint seating device and a second end in a bearing roughly in the center of a swivel arm in order to counter balance the work table, and (3) providing the base equipped with swivel rollers in order to facilitate transport of the work table, as taught by Sweere et al, since both teach alternate conventional work table structure, used for the same intended purpose, thereby providing structure as claimed.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany '396, as modified, as applied to claim 1 above, and further in view of USP 1,933,210 to Curtis.

Germany '396, as modified, discloses all the elements as discussed above except for a leg rest being fastened to the central column via a support fork, the support fork being axially displaceable on the central column and can be rotated about the vertical and horizontal axes.

Curtis discloses a work table comprising a central column 2 having a leg rest being fastened thereto via a support fork, the support fork being axially displaceable on the central column and can be rotated about the vertical and horizontal axes in order to provide simple, efficient, convenient and economical means for supporting and resting the feet and legs in various adjusted positions while a user is occupying a seated posture in front of the table. Therefore, it would have been obvious to modify the structure of Germany '396, as modified, by providing a leg rest being fastened to the central column via a support fork, the support fork being axially displaceable on the central column and can be rotated about the vertical and horizontal axes in order to provide simple, efficient, convenient and economical means for supporting and resting the feet and legs in various adjusted positions while a user is occupying a seated posture in front of the table, as taught by Curtis, since both teach alternate conventional work table structure, used for the same intended purpose, thereby providing structure as claimed.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany '396, as modified, as applied to claim 1 above, and further in view of USP 4,566,741 to Eriksson et al.

Germany '396, as modified, discloses all the elements as discussed above except for a cable pull arranged between the swivel arm and the support element.

Eriksson discloses a work table comprising a swivel arm 46, and a support element 1; wherein a cable pull 42 being arranged between the swivel arm and the support element in order

to provide synchronous rotational coupling. Therefore, it would have been obvious to modify the structure of Germany '396, as modified, by providing a cable pull being arranged between the swivel arm and the support element in order to provide synchronous rotational coupling, as taught by Eriksson et al, since both teach alternate conventional work table structure, used for the same intended purpose thereby providing structure as claimed.

In regard to the limitation in claim 7 of the swivel arm and the support element being designed in such a way that the support element being aligned horizontally when the swivel arm is aligned vertically, and the support element is tilted by about 25 degrees when the swivel arm is aligned horizontally, the swivel arm, support element, and pivotal structures disclosed in Germany '396, as modified, are capable of working together in a way such that the support element being aligned horizontally when the swivel arm is aligned vertically, and the support element is tilted by about 25 degrees when the swivel arm is aligned horizontally.

#### ***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*  
April 18, 2004

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

*Lanna Mai*